

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
SEP 27 2006
for C'ville
JOHN F. CORCORAN, CLERK
DEPUTY CLERK

UNITED STATES OF AMERICA,

CRIMINAL NO. 3:06-CR-00004-002

v.

ORDER

CRAIG ROHAN ANDERSON,
a/k/a "Stigger,"
a/k/a "Sticker,"
a/k/a "Chauffeur"

Defendant.

JUDGE NORMAN K. MOON

By order of this Court on September 8, 2006, the plea hearing in this matter was referred to the Honorable B. Waugh Crigler, United States Magistrate Judge, pursuant to 28 U.S.C. §636(b)(3), for proposed findings of fact and a recommended disposition. The Magistrate filed his Report and Recommendation ("Report") on September 15, 2006, recommending that this Court accept Defendant's plea of guilty to Count Two of the August 2, 2006, superseding indictment and that the Court adjudge him guilty of that offense. (Report 9) For the reasons that follow, the Court ADOPTS in Report in part and REJECTS the Report in part.

Count One of the superseding indictment charged Defendant with knowingly and intentionally distributing, and possession with the intent to distribute, fifty grams or more of a mixture or substance containing a detectable amount of cocaine base, a Schedule II controlled substance. (Superseding Indictment 1-2) In Count Two of the superseding indictment, Defendant was charged with knowing and intentional possession with the intent to distribute five grams or more of a mixture or substance containing cocaine base, a Schedule II controlled substance and with distributing and possession with the intent to distribute a mixture or substances containing a

detectable amount of cocaine hydrochloride, a Schedule II controlled substance. (Superseding Indictment 2) Defendant pled guilty to Count Two and the government agreed to dismiss Count One. (Def.'s Objection to Certain Portions of Report and Recommendation by U.S. Magistrate Judge ¶ 2) ("Def.'s Objection")

Defendant filed a timely objection to the Report, stating that he objects to the portions of the Report that indicate that Defendant was involved in a conspiracy; the Defendant denies that he was involved in such a conspiracy. (Def.'s Objection ¶¶ 1, 3)

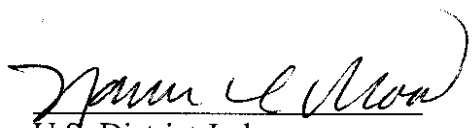
After a careful review of the record, including Defendant's timely objection, this Court ADOPTS the report in part and REJECTS the report in part. The Court accepts Defendant's guilty plea as to Count Two and adjudges him guilty of that offense. For purposes of accepting Defendant's guilty plea, however, the Court does not adopt that portion of the Report that details Defendant's alleged involvement in a conspiracy.

A presentence report in this matter SHALL BE PREPARED.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTERED:


U.S. District Judge

Date

Sept. 27, 2006